UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION DOCKET NO. 3:19-cv-00487

CRESCENT COMMUNITIES, LLC,)	
Plaintiff,)	ORDER
VS.)	
)	
LEVEL OFFICE MANGEMENT, LLC,)	
)	
Defendant.)	

THIS MATTER is before the Court on Defendant's Motion to Dismiss (Doc. No. 15), requesting this Court dismiss Count Three of Plaintiff's First Amended Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

On December 31, 2019, the Court granted the Consent Motion for Leave to file Second Amended Complaint. (Doc. No. 18). Thereafter, Plaintiff filed its Second Amended Complaint (Doc. No. 19), which excluded Count Three of Plaintiff's original Complaint. "Because a properly filed amended complaint supersedes the original one and becomes the operative complaint in the case, it renders the original complaint 'of no effect." Fawzy v. Wauquiez Boats SNC, 873 F.3d 451 (4th Cir. 2017) (quoting Young v. City of Mt. Ranier, 238 F.3d 567, 573 (4th Cir. 2001). Consequently, Defendant's Motion to Dismiss (Doc. No. 15) is moot.

IT IS THEREFORE ORDERED that Defendant's Motion to Dismiss (Doc. No. 15) is DENIED as MOOT.

IT IS SO ORDERED.

Signed: April 6, 2020

Frank D. Whitney

Chief United States District Judge